

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA,

Plaintiff/Appellee,

v.

JULIO ALBERTO CHAPA

Defendant/Appellant.

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Cr. No. C-12-00217

ORDER

Before the Court are a request by Defendant/Appellant Julio Alberto Chapa for information on the status of his appeal currently pending before the Fifth Circuit Court of Appeals (D.E. 99) and a motion to appoint counsel to assist him in said appeal (D.E.100). For the reasons set forth below, Mr. Chapa's request for an update on the status of his appeal and motion for appointment of counsel are DENIED.


During Mr. Chapa's criminal proceedings before this Court, Attorney John Cromwell was appointed to represent him. (D.E. 11.) Mr. Cromwell continues to represent Mr. Chapa on appeal. In his December 2012 letter to the Clerk of the Court, Mr. Chapa requested information regarding the status of his appeal and complained that Mr. Cromwell was not registered with the Texas Bar. (D.E. 99.) According to the Clerk's Office, Mr. Cromwell is admitted to practice in the Southern District of Texas and before the Fifth Circuit Court of Appeals. Additionally, the appellate record indicates that Mr. Cromwell has been actively representing Mr. Chapa

before the Fifth Circuit Court of Appeals. As Mr. Chapa is currently represented by counsel, any requests regarding the status of his appeal should be directed to Mr. Cromwell.

Furthermore, as Mr. Chapa is currently represented by counsel, his request for an update on the status of his appeal and motion for the appointment of counsel are unauthorized. A litigant who is represented by counsel is not entitled to act in the Court on his own behalf. Such action is referred to as hybrid representation. A criminal defendant has no constitutional right to hybrid representation, "partly by counsel and partly by himself." *Neal v. Texas*, 870 F.2d 312, 315-16 (5th Cir.1989) (citing *United States v. Daniels*, 572 F.2d 535, 540 (5th Cir.1978)); *Myers v. Johnson*, 76 F.3d 1330, 1335 (5th Cir. 1996).

For the reasons set forth above, Mr. Chapa's request for information regarding the status of his appeal (D.E. 99) and motion to appoint counsel (D.E. 100) are DENIED. The Clerk of the Court is instructed to send a copy of this Order to Mr. Chapa.

ORDERED this 22nd day of May 2013.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE